

2. Title

Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

R307-320 is authorized by 19-2-104(1)(h) and (2), which authorize and set forth criteria for consideration in implementing an employer-based trip reduction program for businesses and government agencies that have 100 employees or more at a single site in any ozone nonattainment or maintenance area. The statute requires approval of the governor before implementation, and requires that the Air Quality Board consider the impact of the business on overall air quality and the need of the business to use automobiles in order to carry out its business purposes before implementing the program. R307-320, however, applies only to federal, state and local agencies of government that have 100 or more employees at a single site, and not to businesses.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:

R307-320 has been amended once since its last five-year review (effective 3/9/2007 DAR No. 29002). One comment was received. COMMENT (Wasatch Clean Air Coalition): In other proposed rules, the phrase, "Salt Lake & Davis Counties" has been changed to "Ozone Maintenance Areas." In R307-320-4 (3)(b)(ii), you have kept "Salt Lake & Davis Counties." Additionally, R307-320-4(3) (e) states that the "executive secretary shall approve....;" however, in other rules, the word "shall" has been changed to "will." STAFF RESPONSE: Staff agreed and made the needed changes to the rule text. No other comments were received about this rule since the last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

Title 19-2-104(1)(h) and (2) authorizes a trip reduction program for businesses and federal, state, and local governments having more than 100 employees at a single location to the extent necessary to attain and maintain ambient air quality standards consistent with the state implementation plan and federal requirements. The rule is required by the state implementation plan for ozone, incorporated by reference under R307-110-13. That plan applies in Salt Lake and Davis Counties. In addition, the rule could be implemented as a contingency measure in Ogden City and Utah County if health standards are violated. Though the statute authorizes the Air Quality Board to require a trip reduction program for businesses, R307-320 applies only to federal, state and local agencies of government that have 100 or more employees at a single site. The purpose of the rule is to reduce the number of miles driven by employees commuting to and from work. Many of the agencies that have achieved the greatest reduction in drive-alone rates are located in downtown areas where bus routes, light rail and van pools provide many options for employees. Where employees work erratic schedules, or where there are security concerns, employees are not asked to participate. About 80 agencies have been tracked, and, in general, compliance has been good. The lowest measured drive-alone rate is 35% at the U.S. Bureau of Reclamation. A great deal of the success of the program is attributable to the Utah Transit Authority, which markets an assortment of alternatives to driving alone. These programs include connecting potential carpoolers, promoting vanpools, and providing a free ride home for participants who have occasional emergencies that necessitate getting home at a different time. UTA improves the success of the rule by offering their voluntary programs to businesses, though R307-320 does not apply to businesses.

6. **key words**

air pollution, motor vehicles, trip reduction

7. **attach document.**

Agency head or designee, and title

Date

M. Cyril Kyj

2-23-07